IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL REVISION NO. 3306 OF 1997

DATE OF DECISION: December 08, 2006.

Parties Name

Union of India

...PETITIONER

VERSUS

Girdhari Lal

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Kamal Sehgal,
Advocate, for the petitioner.

Mr. J.R. Mittal, Senior Advocate, with
Mr. Kashmir Singh, Advocate, for the respondent.

JASBIR SINGH, J. (oral)

ORDER:

This revision petition has been filed against the judgment dated February 5, 1994, vide which award of the Arbitrator dated April 17, 1989, was made rule of the Court with some modifications and the petitioner was directed to pay, to the respondent an amount of Rs. 1,82,016.19 paise along with interest thereon. Challenge has also been made to the judgment dated November 13, 1996, vide which appeal, filed by the petitioner, was dismissed.

It is apparent from the records that when dispute had arisen between the parties, the matter was referred to the Arbitrator, who vide his award dated April 17, 1989, awarded an amount of Rs. 2,04,164.39 to the respondent. Matter went before the trial Court. Petitioner raised some objection to the award passed. Issues were framed. Both the parties led

evidence. Trial Court, on perusal of documents and evidence brought on record by the parties, rejected the claim granted in favour of the respondent under column No. 1 (d) and awarded the amount, as referred to above. Appeal was dismissed.

As per settled law, Civil Courts are not supposed to sit as a Court of appeal on the award passed by an Arbitrator. It has been held so by this Court in Union of India v. Inderjit Mehta etc., (Civil Revision No. 2785 of 2004, decided on August 17, 2006,) wherein while dealing with similar controvery, it was observed thus:

> "It appears that there were more than one dispute between the parties which were referred for adjudication to the same Arbitrator i.e. Sh. MMS Nanda. He adjudicated upon these disputes by passing different awards dated Dec. 24, 1997. One of the such Award in which the respondent's claim was for more than Rs. 5 lac and was made rule of the court, the petitioner preferred FAO No. 2646 of 2004 (O&M) which was dismissed by this Court on April 4, 2006, with the following observations:-
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> "It is well settled that a civil court cannot sit in appeal over the arbitration award, in any manner. The merits of the controversy culminating into award cannot be gone into by the civil court, unless it is so shown that the Arbitrator had misconducted himself or had travelled beyond the reference. Nothing has been shown that the Arbitrator had ever misconducted or had travelled beyond the scope of arbitration agreement. Nothing

has been shown that the findings recorded by the Civil Judge are erroneous, in any manner, or the same suffer from any infirmity."

Facts of the present case clearly indicate that both the Courts below have discussed evidence on record. Before the Courts below and also before this Court, petitioner has failed to indicate any misconduct by the Arbitrator. No case is made out for interference. Dismissed.

December 08, 2006 (Jasbir Singh)
DKC Judge